

## DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code, § 1-307.02), Reorganization Plan No. 4 of 1996, and Mayor's Order 97-42, dated February 18, 1997, hereby gives notice of the intent to adopt an amendment to Chapter 49 of Title 29 of the District of Columbia Municipal Regulations (DCMR) governing rehabilitative services provided by the District of Columbia Child and Family Services Agency (CFSA) and its contractors. Each individual receiving rehabilitative services must have a Plan of Care that is signed and dated by a psychiatrist. The proposed amendment would broaden the types of service providers to include psychologists, licensed professional counselors, licensed independent clinical social workers or advanced practice registered nurses who could sign the required Plan of Care for rehabilitative services provided to abused and neglected children under the care and custody of CFSA.

The Director also gives notice of the intent to take final rulemaking action to adopt these proposed rules not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Amend section 4902.4 (Program Services) of Chapter 49, Title 29 DCMR to read as follows:

- 4902.4      The Plan of Care shall be developed by a multi-disciplinary team in consultation with the client and his or her caregiver. Each Plan of Care shall be signed and dated by a healthcare professional listed in section 4902.3 (a) through (e) and contain the following information:
- (a)      A written plan that contains and is based on the information derived from the evaluation and assessment;
  - (b)      A statement of the client's present level of functioning in the domains examined in the evaluation and assessment;
  - (c)      Treatment objectives in measurable terms, including discharge planning, long and short term goals with appropriate timelines;
  - (d)      A statement of the client's specific complaints, including the limitations and abilities, specific problems and specific needs of the patients;

- (e) A statement of the specific services and supports necessary to meet the unique needs of the client and the setting in which the services are to delivered; and
- (f) Names and titles of persons responsible for implementing the Plan of Care.

Comments on the proposed rules shall be submitted in writing to Robert T. Maruca, Senior Deputy Director, Medical Assistance Administration, Department of Health, 825 North Capitol Street, N.E., 5<sup>th</sup> Floor, Washington, DC 20002, within thirty (30) days from the date of publication of this notice in the *D.C. Register*. Copies of the proposed rules may be obtained Monday through Friday between 8:15 A.M. and 4:45 P.M. at the same address.

DISTRICT OF COLUMBIA  
DEPARTMENT OF MOTOR VEHICLES

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Section 1425 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-901 et seq.) (2001), Section 7 of the Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-1401.01); and Mayor's Order 03-58, hereby gives notice of the intent to adopt the following rulemaking that amends Chapter 1 of Title 18, DCMR (Traffic Regulations) to increase the provisional operators' permit application fee to \$20. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Title 18, DCMR, is amended as follows:

Chapter 1, Section 103, APPLICATION FOR A DRIVER'S LICENSE OR LEARNER'S PERMIT, subsection 103.8 is amended to read as follows:

- 103.8           The following fees shall apply to permit applicants:
- (a)   Learner's permit test. . . . . \$10;
  - (b)   Driver's permit road test. . . . . \$10;
  - (c)   Driver's permit application fee. . . . . \$39;
  - (d)   Learner's permit application fee. . . . . \$20; and
  - (e)   Provisional operator's permit application fee. . . \$20.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to Angel Irene, Policy Analyst, D.C. Department of Motor Vehicles, 65 K Street, N.E., Washington, D.C. 20002. Comments must be received not later than thirty (30) days after the publication of this notice in the D.C. Register. Copies of this proposal may be obtained, at cost, by writing to the above address.

DISTRICT OF COLUMBIA  
DEPARTMENT OF MOTOR VEHICLESNOTICE OF PROPOSED RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Section 1425 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999, (D.C. Law 12-175; D.C. Official Code § 50-901 *et seq.* (2001 Ed.)), § 107 of the Traffic Adjudication Act, effective September 12, 1978, (D.C. Law 2-104; D.C. Official Code § 50-2301.07), and § 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1996 (D.C. Law 11-198; D.C. Official Code 50-2209.01 *et seq.*), hereby gives notice of the intent to adopt the following rulemaking amending Title 18 of the District of Columbia Municipal Regulations (DCMR) (Vehicles and Traffic), section 1035. The rulemaking will amend existing evidentiary rules setting forth the proof necessary to establish calibration and proper functioning for photo radar devices by extending those rules to cover fixed photo radar devices. Fixed photo radar devices, unlike mobile photo radar devices, will not be relocated or redeployed on a regular basis, but instead will remain in a designated location for an indeterminate period of time. Therefore, minor changes to the evidentiary rules are necessary to implement the fixed photo radar program. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 18 DCMR, is amended as follows:

Section 1035, EVIDENCE: PHOTO RADAR DEVICE, subsection 1035.2, is amended to read as follows:

- 1035.2 A photo radar device shall be deemed to be calibrated correctly and in proper working order if:
- (a) For a mobile device, there is a Unit Deployment Log corresponding to the time period, date and location of the alleged violation being adjudicated that:
    - (1) Indicates that the electronic radar tuning fork reading was 36, 37 or 38 and that the radar test sequence displayed the figure "288 8888" at the beginning and the end of deployment; and
    - (2) Contains a certification by the operator that the device was correctly set up and deployed when the alleged violation was recorded; or
  - (b) For a fixed photo radar device, there are Fixed Site Logs for the device dated not more than four (4) days before and four (4) days after the date of the alleged violation that:

- (1) Indicate that the electronic radar tuning fork reading was 36, 37, or 38 and that the radar test sequence displayed the figure "288 8888"; and
- (2) Contain certifications by a technician or police officer, or both, that the device was correctly set up.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to Angel Irene, Policy Analyst, D.C. Department of Motor Vehicles, 65 K Street, N.E., Washington, D.C. 20002. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposal may be obtained, at cost, by writing to the above address.

## DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

DOCKET NUMBER 03-76-TS

The Director of the Department of Transportation, pursuant to the authority in sections 3, 5(3), and 6 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02, 50-921.04(3) and 50-921.05), and sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b)), hereby gives notice of the intent to amend the Vehicle and Traffic Regulations (18 DCMR). Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following rulemaking action is proposed:

Title 18 DCMR, Chapter 40 Section 4024, SNOW EMERGENCY ROUTES, Subsection 4024.1, is amendment by deleting the current subsection 4024.1 and listing in its entirety and in its place, by substituting the following new subsection 4024.1 and listing:

4024.1 The streets or portions of streets listed in this subsection are designated as Snow Emergency Routes.

I-66 – D.C Line to Whitehurst Freeway and ramps

I-295 – D.C Line to and across both 11<sup>th</sup> St. Bridges to the Southeast Freeway and ramps

I-395 – D.C Line to New York Avenue (including HOV Lanes)

Alabama Avenue, S.E. – Branch Avenue to Suitland Road

Anacostia Freeway – 11<sup>th</sup> St., S.E. Bridges to East Capitol St.

Arizona Avenue, N.W. – Canal Road to Loughboro Road

Benning Road – Bladensburg Road, N.E. to Southern Avenue, S.E.

Bladensburg Road, N.E. – Benning Road to Eastern Avenue

Blair Road, N.W. – North Capitol Street to Eastern Avenue

Branch Avenue, S.E. – Pennsylvania Avenue to Southern Avenue

Brentwood Parkway, N.E. – Penn Street to New York Avenue

Brentwood Road, N.E. – T Street to Rhode Island Avenue

C Street, N.E. – North Carolina Ave. to East Capitol Street

Canal Road, N.W. – M Street to Chain Bridge

Cathedral Avenue, N.W. – Rock Creek Park to Connecticut Avenue

Chain Bridge, N.W.

Clermont Drive, N.E. – Hawaii Avenue to Harewood Road

Columbia Road, N.W. – Michigan Avenue to 16<sup>th</sup> Street (north side only)

Connecticut Avenue N.W. – K Street to Western Avenue

Constitution Avenue – 23<sup>rd</sup> Street, N.W. to North Carolina Ave., N.E.

Dalecarlia Parkway, N.W. – Massachusetts Avenue to Loughboro Road

E Street (North), N.W. – 18<sup>th</sup> Street to Virginia Avenue

E Street (South), N.W. – 17<sup>th</sup> Street to 20<sup>th</sup> Street to Potomac River Freeway

E Street Expressway, N.W. – 20<sup>th</sup> Street to Rock Creek Parkway

East Capitol Street - including ramp A on the north and from Independence Avenue  
(on the south) to Southern Avenue

Eastern Avenue, N.E. – Kenilworth Avenue to Minnesota Avenue

Florida Avenue – H Street, N.E. to 9<sup>th</sup> Street, N.W.

Florida Avenue, N.W. – U Street to 22<sup>nd</sup> Street

Foxhall Road, N.W. – Loughboro Road to Canal Road

Georgia Avenue, N.W. – Florida Avenue to Eastern Avenue

Good Hope Road, S.E. – Martin Luther King, Jr. Avenue to Alabama Avenue

H Street – Pennsylvania Avenue, N.W. to Benning Road, N.E.

Harvard Street, N.W. / Hobart Place, N.W. – 5<sup>th</sup> Street to 16<sup>th</sup> Street (south side only)

Hawaii Avenue, N.E. – North Capitol Street to Clermont Drive

Howard Road, S.E. – I-295 to South Capitol Street

I (Eye) Street, N.W. - Pennsylvania Avenue to New York Avenue

Independence Avenue – 15<sup>th</sup> Street, S.W. to 22<sup>nd</sup> Street, S.E.

Irving Street - Michigan Avenue, N.E. to 16<sup>th</sup> Street, N.W. (south side only)

K Street, N.W. – 7<sup>th</sup> Street to 29<sup>th</sup> Street (including service roadways)

Kenilworth Avenue, N.E. – East Capitol Street to Eastern Avenue

Kenyon Street, N.W. / Kenyon Place, N.W. – Irving Street to 14<sup>th</sup> St. (north side only)

Key Bridge, N.W.

L Street, N.W. – New York Avenue to Pennsylvania Avenue

Loughboro Road, N.W. – MacArthur Boulevard to Indian Lane and Chain Bridge Road

Louisiana Avenue, N.W. – North Capitol Street to Constitution Avenue

M Street – Maine Ave., S.W. to 12<sup>th</sup> Street, S.E.

M Street, N.W. – Connecticut Ave. to Canal Road

Maine Avenue, S.W. – 15<sup>th</sup> Street to M Street

Martin Luther King, Jr. Avenue, S.E. – Good Hope Road to South Capitol Street

Massachusetts Avenue, N.W. – Western Avenue to North Capitol Street

Michigan Avenue – Eastern Avenue, N.E. to Columbia Road, N.W.

Military Road, N.W. – 16<sup>th</sup> Street to Western Avenue

Missouri Avenue, N.W. – North Capitol Street to 16<sup>th</sup> Street

Mt. Olivet Road, N.E. – Brentwood Parkway to Bladensburg Road

Mt. Vernon Place, N.W. – Massachusetts Avenue to New York Avenue

Naylor Road, S.E. – Good Hope Road to Southern Avenue

Nebraska Avenue, N.W. – Indian Lane and Chain Bridge Road to Military Road



New Hampshire Avenue, N.W – Missouri Avenue to D.C. Line

New York Avenue – 15<sup>th</sup> Street, N.W. to D.C. Line

New York Avenue, N.W. – 17<sup>th</sup> Street to 18<sup>th</sup> Street

North Capitol Street – Hawaii Avenue, N.E. to Blair Road, N.W.

North Capitol Street – Harewood Road to Louisiana Avenue (including the ramps at Irving Street)

North Carolina Avenue, N.E. - Constitution Avenue to C Street

Park Road, N.W. - 14<sup>th</sup> Street to 16<sup>th</sup> Street (north side only)

Pennsylvania Avenue, N.W. – M Street to 3<sup>rd</sup> Street

Pennsylvania Avenue, S.E. – 2<sup>nd</sup> Street to Southern Avenue

Piney Branch Road, N.W. – 13<sup>th</sup> Street to Eastern Avenue

Reno Road, N.W. – 34<sup>th</sup> Street to 41<sup>st</sup> Street

Reservoir Road, N.W.- Foxhall Road to Wisconsin Avenue

Rhode Island Avenue – Connecticut Avenue, N.W. to Eastern Avenue, N.E.

Riggs Road, N.E. – Missouri Avenue, N.W. to Eastern Avenue, N.E.

River Road, N.W. – Wisconsin Avenue to D.C. Line

Saratoga Avenue, N.E. – Brentwood Road to Rhode Island Avenue

South Capitol Street – Southwest Freeway to Southern Avenue

South Dakota Avenue, N.E. – Riggs Road to New York Avenue

Southeast Freeway – Pennsylvania Avenue to South Capitol Street (including ramps)

Southern Avenue, S.E. – South Capitol Street to Naylor Road

Southwest Freeway – I-395 to South Capitol Street to Southern Avenue (including ramps)

Suitland Parkway, S.E. – South Capitol Street to Southern Avenue

Suitland Road, S.E. – Alabama Ave. to Southern Ave.

T Street, N.E. – 9<sup>th</sup> Street to Brentwood Road

U Street, N.W. – 9<sup>th</sup> Street to Florida Avenue

Virginia Avenue, N.W. – Constitution Avenue to Rock Creek and Potomac Parkway

W Street, S.E. – Martin Luther King, Jr. Avenue to 13<sup>th</sup> Street

Western Avenue, N.W. – Connecticut Avenue to Massachusetts Avenue

Whitehurst Freeway, N.W. and ramps

Wisconsin Avenue, N.W. – K Street to Western Avenue

3<sup>rd</sup> Street – Constitution Avenue, N.W. to Independence Avenue, S.W.

6<sup>th</sup> Street, N.E. – Florida Avenue to Penn Street

6<sup>th</sup> Street, N.W. – Constitution Avenue to New York Avenue

7<sup>th</sup> Street – Southwest Freeway to Florida Avenue, N.W.

9<sup>th</sup> Street - Southwest Freeway to Florida Avenue, N.W.

9<sup>th</sup> Street, N.E. – Brentwood Parkway to Brentwood Road

11<sup>th</sup> Street Bridges (and ramps)

11<sup>th</sup> Street, S.E. – M Street to 11<sup>th</sup> Street Bridge

12<sup>th</sup> Street – Southwest Freeway and ramps to Massachusetts Avenue, N.W.

13<sup>th</sup> Street, S.E. – W Street to Good Hope Road

14<sup>th</sup> Street – 14<sup>th</sup> Street Bridges (I-395) and ramps S.W. to Thomas Circle, N.W.

15<sup>th</sup> Street, N.W. – E Street to New York Avenue

15<sup>th</sup> Street, N.W. – K Street to Massachusetts Avenue

16<sup>th</sup> Street, N.W. – H Street to Eastern Avenue

17<sup>th</sup> Street, N.W. – Constitution Avenue to Connecticut Avenue

17<sup>th</sup> Street, N.E. – Benning Road to Bladensburg Road

18<sup>th</sup> Street, N.W. – E Street (south) to Connecticut Avenue

19<sup>th</sup> Street, N.W. – E Street (south) to M Street

20<sup>th</sup> Street, N.W. – Virginia Avenue to Q Street

22<sup>nd</sup> Street, N.W. – Pennsylvania Avenue to Massachusetts Avenue

23<sup>rd</sup> Street, N.W. – Constitution Avenue to 22<sup>nd</sup> Street

24<sup>th</sup> Street, N.W. – Calvert Street to Connecticut Avenue

27<sup>th</sup> Street, N.W. – Virginia Avenue to K Street

34<sup>th</sup> Street, N.W. – Massachusetts Avenue to Reno Road

41<sup>st</sup> Street, N.W. – Reno Road to Western Avenue

All persons interested in commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than thirty days (30) days after the publication of this notice in the D.C. Register, with the Department of Transportation, Traffic Services Administration, 2000 14<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor, Washington, D.C. 20009 (Attention: Docket No. 03-76-TS). Copies of this proposal are available, at cost, by writing to the above address.

**DISTRICT OF COLUMBIA  
DEPARTMENT OF INSURANCE AND SECURITIES REGULATION**

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**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

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The Commissioner of the Department of Insurance and Securities Regulations, pursuant to the authority set forth in §§ 101 (9) and 125 of the Insurance Trade and Economic Development Act of 2000, effective April 3, 2001 (D.C. Law 13-265; D.C. Official Code §§ 31-2231.01 (9) and 31-2231.25), hereby gives notice of the adoption of emergency rules to be included in Title 26, Chapter 50 of the District of Columbia Municipal Regulations ("DCMR"). These rules were adopted on an emergency basis to prevent insurers from using weather related claims from Hurricane Isabel, which occurred on September 17-18, 2003, as grounds to non-renew or deny homeowners' insurance to District of Columbia residents. This emergency action is based upon the receipt of weather forecasts that contained hurricane warnings and predictions of extensive damage to property. The adoption of these rules is necessary for the immediate protection of the public welfare and justifies emergency action.

The Commissioner also gives notice of his intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. These rules will provide the bases upon which insurers may properly non-renew homeowners' insurance, and use claims information from databases.

These emergency rules were adopted and became effective on September 17, 2003, and will expire 120 days after their effective date, or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first. If the effective date is declared invalid by a final and unappealable court order, then the emergency regulations shall be effective on the date of publication of this notice.

26 DCMR is amended by adding a new Chapter 50, Unfair Trade Practices, to read as follows:

**5000            PERMISSIBLE REASONS FOR NON-RENEWAL AND USE OF  
CLAIMS HISTORY INFORMATION**

5000.1        An insurer shall not refuse to renew a policy of homeowners insurance solely due to claim or loss frequency unless there have been two or more claims during the most recent three-year experience period. In counting the number of claims for the purpose of this subsection, the insurer shall not consider the first claim for a loss caused by a weather related event.

- 5000.2 For purposes of subsection 5000.1, the insurer shall not consider a claim that was reported to the agent or insurer for which no payment was made by the insurer.
- 5000.3 For purposes of subsection 5000.1, the insurer shall not consider a loss for which no claim for indemnification was submitted to an agent or insurer.
- 5000.4 For purposes of subsection 5000.1, an insurer shall not count any losses caused by a catastrophic event. A catastrophic event shall be any event that is declared an official emergency by the Mayor.
- 5000.5 An insurer shall not report any information related to losses or claims covered in subsections 5000.2, 5000.3, or 5000.4 of this section to the Comprehensive Loss Underwriting Exchange ("CLUE"), or other similar database.
- 5000.6 Every insurer shall provide a notice to its homeowners insurance policyholders describing how the insurer considers claims history in determining whether to renew the policy. Such notice may be on the declarations page or as a separate notice that accompanies the policy so long as the notice is conspicuous.
- 5001 USE OF CLAIMS HISTORY—NEW BUSINESS**
- 5001.1 In determining whether to issue a homeowners' insurance policy on a property not previously owned by the applicant, an insurer shall not consider any claims history, including data from CLUE or other database, that occurred more than three years prior to the date of the application.
- 5002-5099 RESERVED**

Persons desiring to comment on the emergency and proposed rulemaking may submit their comments in writing not later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be addressed to Leslie Johnson, Hearing Officer, Department of Insurance and Securities Regulation, 810 First Street, N.E., Room 701, Washington, DC 20002. Copies of the emergency and proposed rules may be obtained from the Department at the above address.